

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

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In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i> ,  Debtors. <sup>1</sup>	PROMESA Title III  No. 17 BK 3283-LTS  (Jointly Administered)  <b>Re: ECF No. 715</b>
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**NOTICE OF FILING OF AMENDED PROPOSED ORDER REGARDING DEBTOR  
ENTITIES' MOTION TO FURTHER AMEND FIRST AMENDED NOTICE, CASE  
MANAGEMENT AND ADMINISTRATIVE PROCEDURES TO INCORPORATE  
REVISED PROTOCOL FOR STAY RELIEF MOTIONS [ECF NO. 715]**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority ("AAFAF") as the entity authorized to act on behalf of the Debtor entities pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017,<sup>2</sup> respectfully files the amended proposed order attached hereto as Exhibit A (the "Amended Proposed Order") regarding the *Debtor Entities' Motion to Further Amend First Amended Notice, Case Management and Administrative Procedures to Incorporate Revised Protocol for*

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> The Financial Oversight and Management Board for Puerto Rico, as the Debtors' representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act*, has authorized AAFAF to file this notice on behalf of the Debtors.

*Stay Relief Motions* [ECF No. 715] (the “Motion”).<sup>3</sup> The Amended Order reflects an informal comment the Debtors received from Ambac Assurance Corporation to the original proposed order attached as Exhibit A to the Motion that clarifies that the Lift Stay Notice Period and the procedures set forth in the amended Case Management Procedures do not apply to Stay Relief Motions that are filed by creditors seeking to enforce a financial debt claim.<sup>4</sup> The Debtors did not receive any other comments or objections to the Motion and therefore request that the Court consider the attached Amended Order at the omnibus hearing scheduled for August 9, 2017.

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<sup>3</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

<sup>4</sup> A redline of the Amended Order to the original proposed order attached as Exhibit A to the Motion is attached hereto as Exhibit B.

Dated: August 4, 2017  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Suzanne Uhland

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*Attorneys for the Puerto Rico Fiscal Agency  
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/s/ Andrés W. López

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*Co-Attorney for the Puerto Rico Fiscal Agency  
and Financial Advisory Authority*

**Exhibit A**

**Amended Order**

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

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In re:

PROMESA  
Title III

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

No. 17 BK 3283-LTS

as representative of

(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO, *et al.*,  
Debtors.<sup>1</sup>

**Re: ECF No. 249, 262**

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**ORDER FURTHER AMENDING CASE MANAGEMENT PROCEDURES**

Upon the *Debtor Entities' Motion to Further Amend First Amended Notice, Case Management and Administrative Procedures to Incorporate Revised Protocol for Stay Relief Motions* (the "Motion");<sup>2</sup> and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors, their creditors, and other parties in interest; and the Court having found that the Debtors provided adequate and appropriate notice of the Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Motion and having heard statements in support of the Motion at a hearing held before the Court (the "Hearing"); and the Court having determined that the legal and factual

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and any objections to the relief requested herein having been withdrawn or overruled on the merits; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Motion is granted as set forth herein.
2. Section III (Scheduling) of the Case Management Procedures is hereby

amended to add Paragraph III.U, which provides:

Subject to Paragraphs III.F and III.T, at least **fifteen (15)** business days prior to filing a Stay Relief Motion to continue a prepetition ordinary course civil action against a Debtor, the movant shall contact counsel for the Oversight Board (Attn: Hermann Bauer (Hermann.Bauer@oneillborges.com) and Ubaldo M. Fernández Barrera (ubaldo.fernandez@oneillborges.com)) and AAFAF (Attn: Diana M. Perez (dperez@omm.com) and Andrés W. López (andres@awllaw.com)) by electronic-mail, to advise them of the movant's intent to seek relief from the automatic stay (the "Lift Stay Notice" and the notice period, the "Lift Stay Notice Period"). The Lift Stay Notice Period and the procedures set forth below shall not apply to Stay Relief Motions that are filed by creditors seeking to enforce a financial debt claim.

The Lift Stay Notice shall include (i) the identity of the movant and its contact information, (ii) the claim(s), lawsuit(s), or other proceeding(s) for which movant seeks relief from the automatic stay, including the relevant case number and court information, (iii) the amount of the claim(s) and the asserted causes of action, (iv) a brief description of the status of the underlying claim(s), lawsuit(s), or proceeding(s), and (v) cause as to why the stay should be lifted.

During the Lift Stay Notice Period, the Debtors and the movant shall meet and confer (in person or telephonically) to attempt to resolve, in whole or in part, the movant's request for relief from the automatic stay.

If the Debtors consent to the movant's request for relief from the automatic stay, then the movant and the Debtors shall enter into a stipulation to lift the automatic stay and present such stipulation and proposed order pursuant to the Presentment Procedures set forth herein.

If (i) the Debtors disagree with the movant's request for relief from the automatic stay and/or (ii) the Lift Stay Notice Period expires without the parties reaching an agreement governing the scope of the relief from the automatic stay, then the movant may file a Stay Relief Motion pursuant to the Case Management Procedures. Such Stay Relief Motion must include a certification that the movant

has met and conferred with the Debtors regarding the requested relief. If movant did not meet and confer with the Debtors prior to filing a Stay Relief Motion, and cannot show exigent circumstances for failing to meet and confer, the Court shall deny the Stay Relief Motion without prejudice until the movant has met and conferred with the Debtors.

For the avoidance of doubt, nothing in this Paragraph III.U prejudices the rights of a party to request the consideration of any Stay Relief Motion on an expedited basis, or the rights of the Debtors or any other party in interest to contest such request for expedited consideration.

3. Within five (5) business days of entry of this Order, the Debtors shall file a copy of the amended Case Management Procedures on the docket of each prepetition ordinary course civil action currently pending against a Debtor.

4. Pursuant to the *Order Establishing Case Management Procedures* [ECF No. 11] entered in the title III case of the Puerto Rico Electric Power Authority (“PREPA”), Case No. 17 BK 4780-LTS, the terms of this Order and the amended Case Management Procedures shall be deemed to apply to PREPA’s title III case.

5. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement, or interpretation of this order.

Dated: \_\_\_\_\_, 2017

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HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

**Exhibit B**

**Redline of Amended Order**



**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

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Dated: \_\_\_\_\_, 2017

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HONORABLE LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

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Statistics:	
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Moved from	0
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Format changed	0
Total changes	3

Redline options:	
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Include Redline Comparison Summary	OFF
Show Line Numbering	OFF
Show Change Numbers	OFF
Show Change Bars On Left	ON
Show Hidden Text	OFF
Detect List Numbering Changes	ON
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Compare Footnotes	ON
Display Workshare Compare Footers	ON
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Ignore Case Changes	OFF
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Ignore Field Codes	OFF
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